

# SWANSON, MARTIN & BELL

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December 2, 2002

Mr. Thomas J. Krueger  
Associate Regional Counsel  
United States Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604-3590

EPA Region 5 Records Ctr.



265539

**Re: Ellsworth Industrial Park -- Special Notice Letter**

Dear Mr. Krueger:

As you know, we represent Magnetrol International, Inc. regarding USEPA's October 17, 2002, issuance of a Special Notice Letter. I want to stress, on behalf of Magnetrol, the importance of our obtaining the site-specific, residential well data that has not been disclosed. During our recent meeting, you suggested that I might obtain the necessary data from Dan Biederman, the attorney for Lockformer in the *LeClercq v. Lockformer* matter. However, despite my numerous voice-mail offers, Mr. Biederman has not responded to my offer to execute any required confidentiality agreement in exchange for the documents. Also, during the recent meeting you opined that the requested information may have been included in the CD discs for EPA's Power-Point presentation during the August 2002 general notice meeting. Please be advised that I requested -- and received -- copies of the CD-disc shortly after the August meeting. The CD-disc provided to me did not include the information requested. As you know, we are willing to discuss the possibility that I may not require specific addresses for the precise residence impacted. However, at this early date, we require access to necessary information.

Magnetrol appreciates your recent offer to redouble efforts to convey such data within the perceived constraints imposed by Federal and Illinois privacy laws. As noted above, Magnetrol's interest in the data is not abstract. As a recipient of USEPA's Special Notice Letter, Magnetrol is asked to present a good faith offer by December 17, 2002, which includes "a discussion of interim response measures that the PRPs may conduct to reduce or eliminate current exposures to contamination prior to implementation of the RI." Thus far, I have been provided only generalized information about alleged contamination and exposures, including color-coded aerial photographs designating certain areas as either above or below the MCLs for TCE/PCE. Among other things, this information does not reflect the number of private residences allegedly affected or other important information, such as well screen depth, etc. We may be unable to discuss, in good faith, interim response measures.

**CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION**  
**DO NOT DISSEMINATE.**

**SWANSON, MARTIN & BELL**

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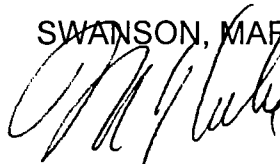
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Everyone agrees that the above-identified information would become available in the event of litigation. Yet, the information is presently being withheld from us at a time when the parties are working to avoid litigation. Moreover, the lack of such information is having negative implications on the PRP Group, due to the parties' inability to carefully evaluate the data (and necessary costs).

I look forward to receiving the relevant data at the earliest opportunity so as to meet the December 17, 2002, deadline for presentation of a good faith offer in response to the Special Notice Letter.

Sincerely,

SWANSON, MARTIN & BELL



Michael J. Maher

MJM:jp